

87<sup>th</sup> Legislative Session – 2012

Committee: Senate Judiciary

Thursday, February 02, 2012

P - Present  
E - Excused  
A - Absent

Roll Call

P Vehle  
P Nygaard  
P Hunhoff (Jean)  
P Buhl  
P Begalka  
P Cutler, Vice-Chair  
P Tieszen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Craig Tieszen, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, JANUARY 31, 2012

Moved by: Nygaard  
Second by: Buhl  
Action: Prevailed by voice vote.

SB 141: expand the legal definition of the term, domestic abuse.

Presented by: Senator Deb Peters  
Proponents: Dianna Miller, SD Network Against Family Violence and Sexual Assault  
Mitch Richter, SD Advocacy Network for Women

MOTION: AMEND SB 141

141rb

On page 1, line 6, of the printed bill, delete "partner violence (IPV)" and insert "violence".

On page 1, delete lines 8 and 9, insert "bodily injury between family or household members, or a pattern of abusive behaviors by one partner in an intimate relationship such as marriage, dating, or cohabitation." Any violation of § 25-".

On page 1, line 12, overstrike "family or household members" and insert "partners in an intimate relationship as defined in this subdivision".

On page 1, line 14, after "household" insert "in an intimate relationship".

On page 2, line 1, after "lived together" insert "in an intimate relationship".

Moved by: Cutler  
Second by: Nygaard  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Vehle, Nygaard, Hunhoff (Jean), Buhl, Begalka, Cutler, Tieszen

MOTION: DO PASS SB 141 AS AMENDED

Moved by: Nygaard  
Second by: Buhl  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Vehle, Nygaard, Hunhoff (Jean), Buhl, Begalka, Cutler, Tieszen

MOTION: AMEND TITLE OF SB 141

141jta

On page 1, line 1, of the printed bill, delete "expand" and insert "revise".

Moved by: Cutler  
Second by: Nygaard  
Action: Prevailed by voice vote.

SB 136: regulate the application of foreign laws, legal codes, and systems within the jurisdiction of the State of South Dakota.

Presented by: Senator Dan Lederman  
Proponents: Joel Arends, self, Sioux Falls

Opponents: Jim Seward, Office of the Governor (Handouts: #1)

MOTION: AMEND SB 136

136ra

On page 4 of the printed bill, delete lines 10 to 12, inclusive.

Moved by: Begalka  
Second by: Nygaard  
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Vehle, Nygaard, Hunhoff (Jean), Buhl, Begalka, Cutler

Voting No: Tieszen

MOTION: DO PASS SB 136 AS AMENDED

Moved by: Begalka  
Second by: Nygaard  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 136 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Hunhoff (Jean)  
Second by: Buhl  
Action: Prevailed by roll call vote. (5-2-0-0)

Voting Yes: Vehle, Hunhoff (Jean), Buhl, Cutler, Tieszen

Voting No: Nygaard, Begalka

Short recess.

The gavel was passed to Senator Joni Cutler, Vice-Chair

SB 156: establish strangulation as one element of the crime of aggravated assault.

Presented by: Senator Craig Tieszen  
Proponents: Matt Sargent, self, Rapid City  
Anne Fisher, MD, self, Rapid City

Fred Magnavito, self, Rapid City  
Jacqi Galles, self, Rapid City

Senator Cutler recessed the committee meeting at 9:50 a.m. and reconvened the committee at 12 p.m.

Proponents continued:

Paul Bachand, SD State's Attorneys Association

MOTION: AMEND SB 156

156oa

On page 1, line 14, of the printed bill, overstrike "or".

On page 2, line 4, after ";" insert "or".

On page 2, line 5, delete everything after "(8)" and insert "Attempts to induce a fear of death or imminent serious bodily harm by impeding the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck, or by blocking the nose and mouth;".

On page 2, delete line 6.

Moved by: Nygaard  
Second by: Buhl  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 156 AS AMENDED

Moved by: Begalka  
Second by: Buhl  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Vehle, Nygaard, Hunhoff (Jean), Buhl, Begalka, Cutler, Tieszen

MOTION: ADJOURN

Moved by: Nygaard  
Second by: Vehle  
Action: Prevailed by voice vote.

Rena Ortbahn  
Committee Secretary

---

Craig Tieszen, Chair